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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/763,966 | 01/23/2004 | Darrell A. Poirier | 006-110-301 | 7900 |
| 20433 | 7590 | 09/04/2007 | | |
| BLODGETT BLODGETT 43 HIGHLAND STREET WORCESTER, MA 016092797 | | | EXAMINER CHAWAN, VIJAY B | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/763,966 | Applicant(s) POIRIER, DARRELL A. | |
| | Examiner Vijay B. Chawan | Art Unit 2626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 4 and 5 recites the limitation "a process as described in claim 1" in line 1. There is insufficient antecedent basis for this limitation in the claim. Inconsistencies such as these are pervasive throughout the claim language and need to be addressed

4. Claims 1-21 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: how the optimal voice recognition dictation is accomplished.

5. Claims 1-21 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kahn et al., (US 2002/0095290 A1).

As per claim 1, Kahn et al., teach a computer system containing a central processing unit, cache memory, main memory, disk drive, USB port, analog to digital converter, a graphic controller, a graphic display, keyboard, mouse, a microphone, an operating system, and voice recognition software with user speaker files (Voice Model) that has been specifically measured using combined "Reliable Accuracy and Performance" (system responsiveness) metric for the purposes of providing optimal voice recognition dictation or conversational speech voice dictation (0019-0022).

As per claim 2, Kahn et al., teach a software application with claim 1 called RAP meter measuring voice recognition accuracy and system responsiveness on a computer system as described in claim 1 (0019-0022).

As per claim 3, Kahn et al., teach a software application with claim that provides a user interface to operate the software, provides log files, and certificates indicating system accuracy and performance results (0019-0022).

As per claim 4, Kahn et al., teach a software application with claim 2 for the purposes of engineering development of optimal voice recognition system for use with voice recognition dictation or conversational speech (0019-0022).

As per claim 5, Kahn et al., teach a process in accordance with claim 2 for the purposes of manufacturing an optimal voice recognition system for use with voice recognition dictation or conversational speech (0019-0022).

As per claim 6, Kahn et al., teach a system as described in claim 1 that includes optimal user voice model(s) created from the voice recognition software through the voice recognition training or enrollment process and verified with the RAP Rate performance metric (0019-0022).

As per claim 7, Kahn et al., teach a software application installed on a computer system as described in claim 1 used for the purposes of transferring the user voice model to and from a transfer medium (0019-0022).

As per claim 8, Kahn et al., teach a software application installed on a computer system as described in claim 7 that includes a user interface with controls for transferring voice models (0019-0022).

As per teach 9, Kahn et al., teach a software application installed on a computer system as described in claim 7 named Voice Model Mobility that provides moving voice recognition user voice models between voice recognition system using transfer mediums of removable disk, writable CDs, networks, memory storage devices and credit card type magnetic strips (0019-0022).

As per claim 10, Kahn et al., teach a software application installed on a computer system as described in claim 1 that creates a synthetic voice for the purposes of avoiding a speaker dependent voice recognition dictation system (0019-0022).

As per claim 11, Kahn et al., teach a software application installed on a computer system as described in claim 10 named Super Voice Model that contains a library of voice models, a voice model cataloging and classification table, logic to quickly sample voice input from users, and the logic to create a synthetic voice model (0019-0022).

As per claim 12, Kahn et al., teach a software application installed on a computer system as described in claim 11, that has the ability to move synthetic voice models between voice recognition systems (0019-0022).

As per claim 13, Kahn et al., teach a synthetic voice file (Voice Model) for the purposes of training a voice recognition dictation system as described in claim 1 (0019-0022).

As per claim 14, Kahn et al., teach a specific cable configuration that can be simultaneously connected to a handheld transcriber (analog or digital recorder) and a voice recognition system (0019-0022).

As per claim 15, Kahn et al., teach a voice training/enrollment process for simultaneous training of a voice recognition system as described in claim 1 and handheld recording device (0019-0022).

As per claim 16, Kahn et al., teach a voice recognition dictation system as described in claim 1 that is in the form factor of a handheld voice recognition dictation

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transcriber that includes operating system and voice recognition software as part of the handheld device (0019-0022).

Claims 17-21 are rejected using similar rationale as previous claims. They are rambling in nature, contain inconsistencies and are not clear in claiming the subject matter.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (571) 272-7601. The examiner can normally be reached on Monday Through Friday 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vijay B. Chawan
Primary Examiner
Art Unit 2626

vbc
8/30/07

**VIJAY CHAWAN
PRIMARY EXAMINER**